

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)
) Case Number: 3:21-53 MJ
 v.)
) **UNDER SEAL**
RUSSELL GLEN HURLEY,)
)
)
Defendant.)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jonathan DuThinh, Special Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives, being duly sworn, state as follows:

AFFIANT'S BACKGROUND

Your affiant, Jonathan DuThinh, is a Special Agent (“SA”) of the ATF, United States Department of Justice, and has been employed as such for approximately six years. On July 16, 2015, your affiant graduated from the ATF National Academy. While at the ATF Academy your affiant received extensive training in surveillance, establishing probable cause, and executing search and arrest warrants. Prior to becoming a Special Agent of the ATF, your affiant was a Background Investigator with the Office of Personnel Management. Your affiant conducted interviews, reviewed records, and wrote reports which were an integral part of the security clearance adjudication process. Prior to being a Background Investigator, your affiant was a Security Protective Specialist of the Department of State, Diplomatic Security Service. Your affiant conducted threat assessments, issued security briefs and served as the Agent in Charge for protective security details in Erbil and Kirkuk, Iraq. Prior to being a Security Protective Specialist your affiant was in the US Army. Your affiant was a Sergeant and led an infantry fire team in Iraq for fifteen months. In 2010, your affiant earned a Bachelor of the Arts degree in Criminology and Criminal Justice from the University of Maryland.

RELEVANT CRIMINAL STATUTE(S)

1. Under Title 18, United States Code, Section 922(g)(1) it is unlawful for any person, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, to knowingly possess, in and affecting interstate commerce, a firearm.

PROBABLE CAUSE

2. On April 7, 2019, at approximately 9:18 a.m., Lawrence Township Police (Clearfield County) received a report of a vehicle stopped at a stop sign with the driver slumped over the steering wheel. Officers responded to the location and found Russell Glen Hurley, apparently asleep, in the driver's seat of a vehicle matching the description given by the caller.

3. Officers approached the vehicle and knocked on the driver's window. Hurley awoke and identified himself to police.

4. During this encounter, the officer observed two syringes in the driver's side door.

5. Officers asked Hurley if he was a diabetic. Hurley said he was not.

6. Officers questioned Hurley about the syringes and Hurley grew agitated.

7. During this conversation, officers noticed that Hurley's pupils appeared constricted and that his voice seemed raspy.

8. Suspecting that Hurley may be operating a motor vehicle while under the influence of alcohol or a controlled substance, officers conducted field sobriety testing on Hurley. Hurley failed and was detained pending a blood draw.

9. Officers then returned to the vehicle to conduct a probable cause search based on their observation of the syringes and Hurley's suspected intoxication.

10. During the search, officers observed a crystallized substance on the seat of the car, which appeared to be methamphetamine, found a small suspected methamphetamine shard (2.4 grams) and additional syringes on the floor, and seized a small Brinks lockbox and

corresponding key from the passenger seat. They did not open the lockbox at that time. They also found a backpack which contained more drug paraphernalia and a 327 Federal Mag FC hollow point bullet.

11. Hurley was taken to a hospital and submitted to a blood draw. Results confirmed the presence of amphetamine, methamphetamine, buprenorphine, and norbuprenorphine.

12. The following afternoon, officers applied for and were issued a search warrant by a Pennsylvania Magisterial District Judge for the Brinks lockbox. Inside the box officers found one Hi-Point Model C9 9mm pistol bearing serial number P103917 with electrical tape on the grip, Hurley's Pennsylvania identification card, and other assorted items.

13. Hurley was previously convicted of a crime punishable by imprisonment for a term exceeding one year, namely, burglary, on or about June 21, 2006, at Docket Number CP-17-CR-0000755-2005 in the Court of Common Pleas, County of Clearfield, Criminal Division, Commonwealth of Pennsylvania. He was sentenced to three years' Intermediate Punishment followed by two years' probation.

14. You affiant conducted an interstate nexus check on the Hi-Point Model C9 9mm pistol and determined that the firearm was manufactured outside the Commonwealth of Pennsylvania.

Respectfully submitted,
/s/ Jonathan DuThinh
Jonathan DuThinh
ATF Special Agent

Sworn and subscribed before me, by telephone
pursuant to Fed. R. Crim. P. 41(b)(2)(A),
this 1st day of April, 2021.

KEITH A. PESTO
United States Magistrate Judge